

COMMISSION ON HUMAN RIGHTS

SECOND SESSION

EXPLANATORY NOTE ON DERIVATION OF DECLARATION
ON HUMAN RIGHTS PROPOSED BY REPRESENTATIVE OF
THE UNITED STATES ON THE COMMISSION ON HUMAN RIGHTS.

Article 1. This is derived from HRDC Article^X 5, first sentence, "all are equal before the law and entitled to equal protection before the law", HRDC Article 7, first clause, "everyone has the right to life to liberty and to personal security", and from HRDC Article 15, first clause, "everyone has the right to a status in law".

Article 2. This combines HRDC Articles 20, on freedom of religion; 21, on freedom of opinion and information; 22, on freedom of expression; 23, on freedom of assembly and association; and 24, on right of petition.

Article 3. This is derived from HRDC Article 12 on privacy of home, correspondence, and respect for reputation, and from HRDC Article 17 on the right to own property.

Article 4. This is derived from HRDC Article 13, on liberty of movement, free choice of residence, and right of emigration, and Article 14 on right of asylum.

Article 5. This is derived from HRDC Article 11, which prohibits slavery, and the latter half of HRDC Article 10, in regard to torture.

Article 6. This Article is derived from HRDC Article 8, on freedom from arbitrary arrest.

Article 7. This is derived from HRDC Article 9, on the right to a fair trial; HRDC Article 10, on freedom from ex-post-facto laws; and the second half of HRDC Article 5, on the universal rule of law. It includes HRDC 19, the right of an alien to fair hearing before expulsion, as it assures everyone a fair hearing to determine all rights and obligations. It also covers the latter half of HRDC Article 15, on the right to independent and impartial tribunals and the assistance of counsel.

^X References to HRDC Articles relate to the Human Rights Drafting Committee (HRDC) Declaration: Annex F, Report of Human Rights Drafting Committee, E/CN.4/21.

Article 8. This begins with HRDC Article 18, on right to nationality. It goes on with HRDC Articles 26 and 27, on the right to effective participation in Government. HRDC Article 13, on the right to renounce nationality is not specifically mentioned; the freedom to emigrate in Article 4 of the U.S. proposed declaration, taken with this Article, would imply such freedom, and a Convention on nationality might carry this detail further. The United States proposed declaration also omits specific reference to HRDC Article 25, on the right to resist oppression. Effective participation in Government, together with freedom of speech, are regarded as appropriate safeguard against oppression.

Article 9. This is an inclusive statement on social rights, and includes items in the HRDC Articles 29, 30, 31, 33, 34, 35 and 36. HRDC Article 32, on the right to a fair share of rest and leisure, is not specifically included, but is suggested by the addition of the phrase "advance his well-being", and in the adjective "decent" describing "living". Both of these phrases accentuate the right to good conditions of work and life. HRDC Article 28, on the right of citizens to public employment and public office, and HRDC Article 16, on the right to engage in all vocations and professions, are not specifically included, but are implied in the right of everyone to work.

Article 10. This Article is derived from HRDC Article 1, that men are brothers, free, possess equal dignity and rights; HRDC Article 2, on the recognition of the rights of others; and HRDC Article 6, on freedom from discrimination.